IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7608 OF 2004

Mohammedali Rahiman Shaikh .. Petitioner.
Vs.
Ashok Vithalrao Patodkar .. Respondent.

Mr.S.G.Kudle for the petitioner.
Mr.R.G.Ketkar for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 14TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Kudle, learned counsel for the petitioner and Mr.Ketkar, learned counsel for the respondent.

2. Mr.Kudle, learned counsel for the petitioner states that the petitioner would be satisfied if he is allowed to furnish security in the sum of Rs.3,00,000/- to the satisfaction of the trial court, instead of attachment of an amount of Rs.3,00,000/- from the petitioner's retiral benefits to satisfy the decree that may be passed against him. Mr.Ketkar, learned counsel for the respondent has no objection for modifying paragraph no.2 of the operative part of the impugned order

subject to the petitioner furnishing solvent security to the satisfaction of the Court. Considering the submissions of the learned counsel for the parties paragraph 2 of the operative part of the order dated 12.8.2004 stands modified as under:

> "The defendant to furnish solvent security of Rs.3,00,000/- to the satisfaction of the trial court to satisfy the decree that may be passed against him in the suit".

. Paragraph 2 and 3 of the operative part of the order shall remain in force till the petitioner furnishes solvent security as aforestated. On petitioner furnishing a security the attachment warrant shall stand cancelled. Rest of the order is maintained.

. With the above observations the writ petition is disposed of.

(D.B.Bhosale, J.)